



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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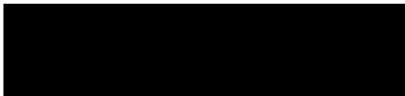


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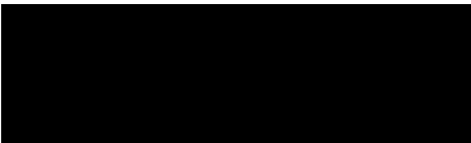
FEB 07 2000

IN RE: Petitioner:
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(H)(i)(b)

IN BEHALF OF PETITIONER:



Identifying information is
prevented clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: Approval of the nonimmigrant visa petition was revoked by the director after appropriate notice. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The petitioner is a computer manufacturer which seeks to employ the beneficiary as a computer system engineer for a period of three years. The director revoked approval of the petition because he determined that the beneficiary had fraudulently obtained a form I-20 which enabled him to change nonimmigrant status from visitor to student.

On appeal, the petitioner argues that the beneficiary is merely the victim of fraud committed by unrelated third parties. Counsel asserts that the instance of fraud is not significant.

The sole issue in this proceeding is the beneficiary's failure to maintain nonimmigrant status and his ineligibility to change nonimmigrant status. Pursuant to 8 C.F.R. 248.3(g), no appeal lies from a denial of change of nonimmigrant status. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.